

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 08/16/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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M.G. ET AL.,

Plaintiffs,

- against -

NEW YORK CITY DEPARTMENT OF
EDUCATION ET AL.,

Defendants.
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13-CV-4639 (SHS) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order addresses the parties' dispute concerning the scope and timing of the 30(b)(6) deposition notices (the "Notices") served by Plaintiffs on the City and State defendants. (See Dkt. 445-451.) The Court agrees with the City and State defendants that the Notices as served are overbroad, overly burdensome, essentially an attempt to obtain discovery regarding the entire case, and could have been served at an earlier time to allow sufficient time for preparation before the end of discovery. That said, the Defendants' counterproposals of 30(b)(6) topics are unduly narrow; the impetus for the Notices are due not just to Plaintiffs' lapses but also to the Defendants', particularly the City's, document production deficiencies; and it would be manifestly unjust to the class to deprive them of information that is likely essential to prosecuting the case. Accordingly, the Court orders as follows:

1. By August 22, 2024, Plaintiffs shall provide Defendants with revised Notices that strip down the topics to the bare essentials.
2. By August 29, 2024, Defendants shall each provide a letter to Plaintiffs regarding the acceptability of the revised Notices.

3. To the extent disagreements remain, the parties shall meet and confer by September 5, 2024, to resolve them.

4. If any issues remain after that meet and confer, the parties shall bring the matter to the Court's attention by September 12, 2024.

5. The time frame for taking the 30(b)(6) depositions is extended until October 18, 2024, so that the Defendants have sufficient opportunity to prepare, although there is no reason that groundwork in that regard should not already have begun and continue.

6. The Court offers the following as guidance:

a. The 15-year time frame is far too long.

b. Some topics may warrant longer time frames than others.

c. Generally, topics should focus on policies, procedures, and practices.

d. Limiting policies, procedures, and practices strictly to only "current" ones may be unduly limited, as it may be relevant, for example, why particular policies, procedures, and practices were changed, or how current policies, procedures, and practices may be expected to yield different results than earlier ones. At the same time, Defendants are not required to be prepared to answer questions about all policies, procedures, and practices for all topics for an overly broad time period. Plaintiffs must be judicious and selective in the time frames identified.

e. Designating a topic about a particular document or discrete set of documents is fair game, so long as the topic describes what information about the document(s) is sought.

f. Defendants' witnesses are not required to be prepared to answer questions about every meeting, call, or communication about a particular topic. However, designating a particular meeting, call, or communication – or a discrete set of meetings, calls, or communications – as a topic is fair game.

g. Defendants' witnesses are not required to be prepared to answer questions about any individual student's case. Similarly, Defendants' witnesses are not required to be prepared to answer questions about individual site visits, complaints, etc. However, Defendants should be prepared to answer questions about such information on a collective basis, to the extent such information is tracked and/or Defendants have summary research, reports, or data on an otherwise appropriate topic.

h. Defendants need not be prepared to answer questions about all steps taken and all efforts made to do something but should be prepared to answer questions about significant steps or efforts made to do something for an otherwise appropriate topic.

i. Be reasonable.

The Clerk of Court is requested to terminate the letter motions at Dkt. 445-451.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 16, 2024
New York, New York

Copies transmitted this date to all counsel of record.